REMARKS

The Office Action mailed December 23, 2008, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. No new matter has been introduced. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

Claim Status

Claims 1 – 8 are pending. By this Amendment, Applicants have amended Claim 1 in order to clarify and to further point out, with particularity the subject matter that Applicants regard as the invention. Consequently, the claims under consideration are believed to include Claims 1 – 8.

Claim Rejections under § 112, second paragraph

Claim 1 stands rejected under 35 U.S.C §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Office states, "It is not clear which weighted molecular claim 1 is meant for".

By this Amendment, Applicants have amended claim 1, to include the limitation that the molecular weight has to be determined by GPC, with standard polyethylene glycol. GPC determines weight average molecular weight and is disclosed in all instant examples as the method used to determine the molecular weight. Applicants respectfully request reconsideration and withdrawal of the §112, second paragraph rejection of Claim 1.

Claim Rejections under §103

Claims 1 – 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Berkhof, et al., (US 5164116 A) in view of Knischka, et al., ("Functional Poly(ethylene oxide) Multiarm Star Polymers: Core-First Synthesis Using

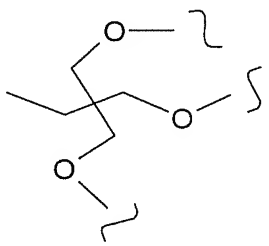
Hyperbranched Polyglycerol Initiators", Macromolecules, 2000, *33* (2), pp 315 – 320, December 29, 1999). This rejection is respectfully traversed

With respect to Claims 1 – 8, the Office is of the position that the prior art teaches an oil breaking crosslinked alkoxylated polyglycerol according to instant Claims 1 – 8. Yet on the top of page 4, the Office admits:

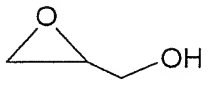
> "Berkhof, et al., is silent on the molecular weight, number of glycerol units in polyglycerol and crosslinking after alkoxylation of polyglycerol"

The Office then attempts to invoke Knischka, et al., for the teaching of a controlled synthesis of hyperbranched polyglycerol. In order to make a *prima facie* case of obviousness, it is beyond contention that each and every aspect of a claimed invention must be taught by the prior art. Here, the Office fails to establish a *prima facie* case for this exact reason.

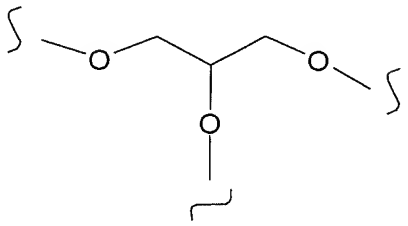
Applicants are of the courteous opinion that Berkhof, et al., discloses C_1-C_4 polyols, e.g. glycerol. In stark contrast instant claim 1 requires a polyglycerol. The Office is of the opinion that Knischka, et al., discloses polyglycerol. Applicants respectfully can not agree. The Office's attention is directed to page 316, Figure 1 of Knischka, et al. There, a so called "polyglycerol" as polyfunctional initiator is shown as a chemical formula under a). The molecule shown there is however not a polyglycerol, although it contains glycerol units. It has been initiated from a different molecule, the structural unit of which may be found on the far left of a). This structural unit is:



This starting molecule is reacted with glycidol



to form glycerol units bonded to the starting molecule



The Office's attention is courteously directed to page 315, right column, last paragraph to page 316, left column to "*Experimental Section*" in Knischka, et al., teaches that in a previous publication the synthesis of the hyperbranched "*polyglycerol*" has been described. This previous publication is *Macromolecules, Vol. 32, No. 13, 1999* which discloses in Figure 2 a process in which a starting molecule is used to polymerize glycidol.

The Applicants respectfully can not agree with the Office that Knischka, et al., discloses a polyglycerol according to instant claim 1. Knischka, et al., discloses a structurally close but different compound. Moreover, from the teaching of Berkhof, et al., the person skilled in the art would not have seen any incentive to move from the subject matter disclosed in Berkhof, et al., formula III by replacing the C_1- to C_4-polyol with the polyfunctional initiator disclosed in Knischka, et al., in order to obtain a totally different structure, which is not the same structure as instantly claimed. The person skilled in the art would have modified the structure of formula III of Berkhof, et al., by using the teaching of Knischka, et al., only if there were a reasonable expectation of success that the resulting structure would work as a demulsifier. The person skilled in the art, however, did not receive such knowledge from Knischka, et al., as Knischka, et al., is silent on any demulsification efficacy of its compounds.

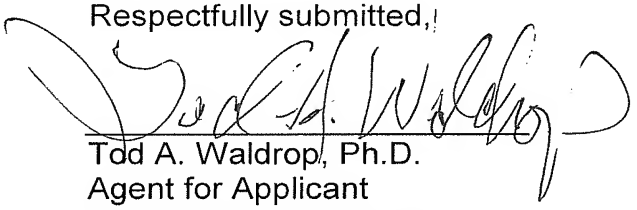
Knischka, et al., teaches that such compounds are suitable in biomedical applications for making hydrogels. A hydrogel is not what is needed for demulsification of oil/water emulsions.

For at least the reasons stated above, Applicant is of the courteous position that the §103 rejections of Claims 1 – 8 have been traversed. Reconsideration and withdrawal of the §103 rejections are respectfully and earnestly solicited.

As the total number of claims does not exceed the number of claims originally paid for, no fee is believed due. However, if an additional fee is required, the Commissioner is hereby authorized to credit any overpayment or charge any fee deficiency to Deposit Account No. 03-2060.

In view of the forgoing amendments and remarks, the present Application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, please contact the Agent for Applicant at the telephone number provided below.

Respectfully submitted,



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